

APPEAL NO. 022612
FILED NOVEMBER 14, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was scheduled for August 14, 2002, but was reset and held on September 24, 2002. The hearing officer determined that the appellant's (claimant) _____, compensable injury does not extend to and include an injury to the cervical spine, bilateral shoulders, and headaches, and that he does not have disability from April 12, 2002, through the date of the hearing. The claimant appealed and the respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed

In his appeal, the claimant asserts that he did not have "a good interpreter" at the hearing, and requests that this matter be remanded so that a "neutral" interpreter can be appointed. Our review of the record indicates that no objections were made at the hearing to the adequacy of the translation that was being done nor is it clear why the claimant has concluded his testimony was not fully translated. The claimant was represented by an attorney at the hearing. Any potential error was not preserved by the claimant's failure to object at the time of the translation.

Extent of injury is a factual determination for the hearing officer to make, based upon the evidence presented at the CCH. Conflicting evidence was presented on the disputed issue and the hearing officer determined that the claimant failed to meet his burden of proof. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust, and we do not find them to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**LS
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Susan M. Kelley
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge